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Attorneys for Defendant  
 DELL, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

MUNZER DAJANI, individually and on  
 behalf of all others similarly situated,  
 Plaintiff,  
 vs.  
 DELL INC.  
 Defendant.

Case No. C08-5285 SI

**STIPULATION AND [PROPOSED]  
 ORDER EXTENDING THE EARLY  
 NEUTRAL EVALUATION PROCESS  
 UNTIL AFTER THE RULING ON  
 DEFENDANT DELL INC.'S MOTION TO  
 DISMISS AMENDED COMPLAINT**

Pursuant to Civil Local Rules 6-1, 6-2 and 7-12, Defendant Dell Inc. ("Dell") and Plaintiff Munzer Dajani ("Plaintiff"), by and through their respective counsel, hereby stipulate as follows:

1. On March 26, 2009, the Court entered an order granting Dell's motion to dismiss Plaintiff's original complaint and giving Plaintiff leave until April 17, 2009 in which to file an amended complaint.

2. Plaintiff timely filed an amended complaint on April 17, 2009.

3. Dell has until May 15, 2009 in which to plead or otherwise respond to the amended complaint. Dell contemplates filing a motion to dismiss the amended complaint on or before May 15, 2009, to be noticed for hearing approximately 35 days thereafter.

4. Pursuant to prior stipulation and Court order, the parties are required to complete the Early Neutral Evaluation process by June 11, 2009.

3. Walter Robinson, Esq. was appointed Early Neutral Evaluator and held a conference call on April 29, 2009, with counsel for all parties present. On this call, the parties agreed that it would promote efficiency to postpone Early Neutral Evaluation to within 90 days of issuance of the Court's order on Dell's contemplated motion to dismiss the amended complaint.

4. Mr. Robinson concurred that such postponement of the Early Neutral Evaluation session until after the Court's ruling might facilitate the process.

5. The parties have therefore stipulated that the deadline to complete Early Neutral Evaluation shall be extended until 90 days after the Court's order on Dell's contemplated motion to dismiss the amended complaint.

IT IS SO STIPULATED.

I, C. Brandon Wisoff, attest that concurrence in the filing of the above stipulation and [proposed] order has been obtained from counsel for Plaintiff.

DATED: May 4, 2009

By: \_\_\_\_\_/s/  
C. Brandon Wisoff  
FARELLA BRAUN + MARTEL LLP  
  
Attorneys for Defendant  
DELL INC.

1 DATED: May 4, 2009

By: /s/  
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21 Attorneys for Plaintiff and the Class  
MUNZER DAJANI

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23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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25 DATED: \_\_\_\_\_

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\_\_\_\_\_  
Honorable Susan Illston  
United States District Judge